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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,808	09/15/2000	Jin-Tae Roh	2950-0172P	1694

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 12/09/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.

09/662,808

Applicant(s)

ROH, JIN-TAE

Examiner

Aristotelis M Psitos

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) all is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Drawings

2. The drawings are objected to because see the attached notice from the draftsman. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.
3. Figure s 1-5 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. The examiner acknowledged "conventional" as prior art; nevertheless, the term - -- prior art --- is the standard term used.

Claim Objections

4. Claims 3, and 17 are objected to because of the following informalities: In particular, the following phraseology requires further elaboration/and or amendments to the claims
 - a) "binary-toggling" as recited in claims 3 and 17. This phrase is not understood, nor is it clear from common usage.

Applicants' cooperation in either further identifying such a phrase as standard usage in this environment (along with objective support thereof), or introduction of another phrase is respectfully requested. Furthermore, with respect to the term "constant level", further elaboration to such is respectfully requested.

As far as the claims recite positive limitations and as interpreted below, the following rejections are made.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 1,2,5-8,15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Hwang et al.

With respect to claims 1 and 9, the examiner interprets such as illustrated, met by Hwang et al, since Hwang et al provides for a multi-session recording ability and inherently such requires the repositioning of the appropriate elements in order to record. Alternatively, if applicants can convince the examiner that such is not the case, then the examiner would rely upon the acknowledged prior art (further identification of such, say author, etc. and copy thereof if in a foreign language is also respectfully requested in order to complete the search report). The locations are written in the pma section of the disc (claims 2, 10)

With respect to apparatus claim 15, such is accomplished by the above system and or acknowledged prior art. With respect to claim 16, the final session data is appropriately written.

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The examiner, interprets the limitations of claims 5-8, as part of the standard multi-session recording techniques, i.e., a closed session is determined in order to position to a subsequent location for recording the next session. The range of separation (claims 6-8), are ranges normally encompassed when determining the next area to record the subsequent session.

9. Claims 3,4 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1,2,5-8,15 and 16 as stated in paragraph 8 above, and further in view of either Batalden et al or Hazel et al.

In interpreting these claims, the examiner interprets such phraseology contained therein to mean a checking of the yet to be recorded track (read before write ability – well known in this environment), as disclosed/taught by Batalden et al/Hazel et al and made^K a determination if the track has been previously recorded or not. The variation/range recited in claim 4 is considered merely a variable up to the individual user. Normally read-before-write systems are operational for a set period of time to ensure that the track has indeed been written to or not, and such is longer than the pause section described in claim 4.

It would have been obvious to modify the base system of Hwang et al with the above well known Read-Before-Write ability of either Batalden et al or Hazel et al, motivation is to ensure that the recording commences on a blank track/section of the disc and hence doesn't erase previously recorded information.

10. Claims 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claims 1,2,5-8,15, and 16 as stated in paragraph 8 above, and further in view of Asthana et al.

Asthana et al teaches in this environment the ability to ensure proper signal recording by checking to ensure valid recording process has occurred and if an error has occurred (abnormal) determining a new position. This meets the limitations of claims 11-14. The limitation of claim 9 is met also since this system ensures normal recording and appropriate recording of such an indication.

It would have been obvious to modify the base system of the system to Hwang et al/or alternatively the acknowledged prior art with the above teaching from Asthana et al, motivation is to ensure proper signal recording.

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Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The remaining documents are cited as illustrative of various multi-session recording techniques.

Hard copies of the application files are now separated from this examining corps, hence the examiner can answer no questions that requires a review of the file without sufficient lead-time.

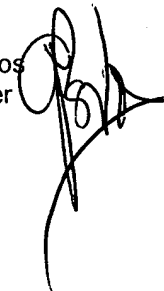
Any inquiries concerning missing papers/references, etc. must be directed to Group 2600 Customer Services at (703) 306-0377.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aristotelis M Psitos whose telephone number is (703) 308-1598. The examiner can normally be reached on M-Thursday 8 - 4.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Aristotelis M Psitos
Primary Examiner
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AMP
12/4/03